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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE SIDE**

**WRIT PETITION NO.5808 of 2006**

Sampat Mohanlal Kankaria & Anr..Petitioners

Versus

The Municipal Commissioner,
Pimpri Chinchwad Muni.
Corporation& Anr. ..Respondents

Mr. A.R. Shaikh, for the Petitioners
Mr. D.R. More for respondent No.1.
Mrs. M.P.Thakur, AGP for Respondent NO.2.

**CORAM : F.I. REBELLO &**
**R.M.SAWANT, JJ.**
**DATED : 6TH MARCH, 2007.**

**P.C.**

. Rule. Heard forthwith. It is the case of the petitioner that he is owner in possession of the land identified under City Survey No.1250 admeasuring 81.25 sq. meters situated at Phugewadi, Bombay Pune Road, Pune-12. From the affidavit of Chhaya S. Bhanage, the Special Land Acquisition Officer it is clear that an area of 36.25 sq. meters of the said land has been acquired. The balance land remained is 45 sq. meters. According to respondent No.1 the said land is required also for the road widening.

2. On the last occasion the matter was adjourned to enable the petitioner and respondent No.1 to work out a settlement by private treaty to take possession of the said land. It appears that till date nothing has been done in the matter. In the light of the above this petition can be disposed of by issuing the following directions:-

(i). It will be open to the petitioner by private treaty to sell the land to respondent No.1. This exercise at any rate to be completed if parties agree within three months from today.

(ii). If there be no agreement it will be open to the respondent NO.1 to take such steps in law for the acquisition of the said land. Rule made absolute accordingly. There shall be no order as to costs.

(**F.I.REBELLO**, J)

(**R.M.SAWANT,J**.)